



THE COMMONWEALTH OF MASSACHUSETTS
WATER RESOURCES COMMISSION
100 CAMBRIDGE STREET, BOSTON MA 02114

Meeting Minutes for October 10, 2019

100 Cambridge Street, Boston, MA, 1:00 p.m.

Members in Attendance:

Vandana Rao, Chair	Designee, Executive Office of Energy and Environmental Affairs (EEA)
Linda Balzotti	Designee, Department of Housing and Community Development (DHCD)
Anne Carroll	Designee, Department of Conservation and Recreation (DCR)
Robert Brown	Designee, Department of Environmental Protection (DEP)
Hotze Wijnja	Designee, Department of Agricultural Resources (DAR)
Michelle Craddock	Designee, Department of Fish and Game (DFG)
Todd Callaghan	Designee, Massachusetts Office of Coastal Zone Management (CZM)
Marcela Molina	Public Member
Vincent Ragucci	Public Member
Kenneth Weismantel	Public Member

Members Absent

Thomas Cambareri	Public Member
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Others in Attendance:

Gerald Clarke	Town of Dover
Julie Wood	CRWA
Heather Miller	CRWA
Jonathan Gervais	City of Worcester
Jennifer Pederson	MAWWA
Duane LeVangie	MassDEP
Laura Blake	MassDEP
Richard Carey	MassDEP
Julia Blatt	Massachusetts Rivers Alliance
Michele Drury	DCR
Erin Graham	DCR
Vanessa Curran	DCR
Marilyn McCrory	DCR
Sara Cohen	DCR
Andreae Downs	WAC
Jennifer Sulla	EEA
Joseph Wood	Leicester Water Supply District
Kristen Berger	Resilient Civil Engineering
Robert Wilson	Leicester Water Supply District
Meaghan Connors	Rep. David LeBoeuf's office
Alfredo Andres	Aquaria
David Norton	City of Brockton
Jessica Hunt	Stantec
Peter Weiskel	USGS
Kate Bentsen	DFG/Div. of Ecological Restoration

Rao called the meeting to order at 1:03 p.m.

Agenda Item #1: Executive Director's Report

- Rao reported that a meeting of the Drought Management Task Force was held earlier in the day due to drying conditions in several parts of the state and in one region in particular. The Task Force has recommended a Level 1 drought for the CT River Valley region and all other regions are normal with some pockets of dry conditions. The recommendation will be made to the Secretary of EEA, who will then make the final declaration. Any drought declarations typically come out as a press release.
- Carroll and Craddock both attended the WaterSmart Innovation Conference hosted by the Alliance for Water Efficiency and EPA Water Sense. Craddock presented on the water conservation project she has been working on with DEP, which she has also presented at a prior WRC meeting. Carroll will provide an overview of the conference at a future meeting.

Agenda Item #2: Hydrologic Conditions and Drought Update

Graham provided an overview of the hydrologic conditions for September. This is the first hydrologic conditions report since the updated Drought Management Plan was approved, and any feedback on the report's content or formatting is welcome. Overall, temperatures in September were average to slightly above average. That, combined with precipitation patterns, led to a dry month. Precipitation was generally below normal across the state. The 1-month SPI tripped at various severity levels in all regions except the Cape Region and the Islands Region. Streamflow and groundwater ranged across the state. The CT River Valley Region experienced Drought Level 1 streamflows and groundwater. For lakes and impoundments, 11 were above average. None of the regions tripped the index. One reservoir was on the lower side but no concerns at this time. The U.S. Drought Monitor map shows abnormally dry conditions in many regions across the state. The KBDI (fire danger) is at an elevated severity level for all regions except the Islands. The crop moisture index is normal for all regions. September is the end of the water year so precipitation maps for 10/1/18-9/30/19 are included on page 7 of the hydrologic conditions report.

Agenda Item #3: Vote to Approve the Minutes of August 2019

V	A motion was made by Weismantel with a second by Ragucci to approve the WRC meeting minutes for August 8, 2019.
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The vote to approve was unanimous of those present.	

Agenda Item #4: Presentation and Vote: Staff Recommendation to Amend the August 14, 2003 Interbasin Transfer Act Findings and the 2005 Fisheries, Vegetation, and Water Quality Monitoring Plan – Aquaria Regional Desalination Project

Drury presented the staff recommendation. She acknowledged Callaghan for his contributions and also Jack Schwartz from Division of Marine Fisheries who retired in January, as well as his successor John Logan. Drury also acknowledged Alfredo Andres from Aquaria, David Norton from the City of Brockton, and Jessica Hunt from Stantec. When this project was approved, fisheries resource protections were required. The project is located in the Taunton River estuary which is a very sensitive ecosystem. Part of the fisheries exclusion devices was a Gunderboom which is a filter barrier that stretches across the intake (illustration included in staff recommendation). Due to the nature of the Taunton River, which is a very dynamic system, the Gunderboom was subject to overtopping, underscoring, rips and tears. Aquaria has worked closely with WRC staff in trying to address these issues but it has been difficult to solve them. The agencies and Aquaria have come up with a proposal for a six week window (which is critical for white perch spawning) with no water withdrawals except for small amounts for maintenance. In exchange, use

of the Gunderboom can be discontinued. Currently the Gunderboom is deployed from early March through mid-November. It was determined by agency staff that the critical period is from late April to early June, to which Aquaria agreed.

There are a few changes from last month's staff recommendation. The semi-annual reports that were required had to do with Gunderboom performance so that has now been eliminated. There has also been an ongoing concern with fish being present in the intake. Somehow they are getting through the wedgewire screens but it is unclear exactly how. Aquaria will need to inspect the wedgewire screens for gaps. This will require amending the existing decision, but only insofar as the monitoring, fisheries exclusion devices, and withdrawals are concerned. A vote from the WRC is needed and it is requested that these amendments be approved. Rao noted that this will impact Brockton's contract with Aquaria and it is important to know that Brockton agrees with these changes since the city will not be able to get water from Aquaria during the 6-week window. David Norton from the City of Brockton confirmed the city is in favor of this decision and once the process is complete with the WRC, then a formal vote will go to Brockton's City Council, possibly on October 21. Rao also noted that if Brockton needs water during the 6-week period for emergency purposes, the Interbasin Transfer Act does not apply as long as they get an emergency declaration from DEP. Callaghan noted that he has a concern about long-term temperature changes and the 6 week time period may need to be adjusted in the long-term monitoring plan. Drury said that if conditions change then the WRC can amend the Interbasin Transfer approval, or the project proponent can request changes based on data. Rao called for a roll-call vote.

V O T E	<p>A motion was made by Weismantel with a second by Ragucci to approve an amendment to the Aquaria Regional Desalination Project August 14, 2003, Findings on Compliance with the Environmental Criteria of the Interbasin Transfer Act to discontinue the use of the fisheries exclusionary netting, provided that Aquaria reduce withdrawals from April 25th to June 8th, as described in the October 10, 2019, Amended Staff Recommendation.</p> <p>The vote to approve was unanimous of those present, with the exception of Linda Balzotti (former mayor of the city of Brockton) who abstained from the vote.</p>
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A second motion was made to further require the monitoring plan be revised. The revised plan will include all previous changes.

V O T E	<p>A motion was made by Weismantel with a second by Ragucci. The Commission further requires (1) that the 2005 Fisheries, Vegetation, and Water Quality Monitoring Plan be revised, as described in the October 10, 2019, Amended Staff Recommendation, and (2) that these monitoring conditions, as well as the other conditions contained within the October 10, 2019, Amended Staff Recommendation, be implemented and adhered to. The revised plan shall be submitted for approval by the environmental agencies and the WRC.</p> <p>The vote to approve was unanimous of those present, with the exception of Linda Balzotti who abstained from the vote.</p>
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Agenda Item #5: Presentation on the Leicester Water Supply District Proposed Connection to the City of Worcester Water Supply and the Interbasin Transfer Act

Drury presented background information on this project, and acknowledged Robert Wilson, Joe Wood, and Kristen Berger representing Leicester. Leicester has several water supply districts. The Leicester Water Supply District (LWSD) also serves the Hillcrest Water District. They have sources in the Blackstone River Basin and the French River Basin. The Blackstone River Basin sources are in the town of Paxton. There is an over 100-year old pipeline bringing the water into Leicester. Leicester has some water quality

problems, so they want to purchase water from Worcester. The question is whether this transfer is subject to the Interbasin Transfer Act (ITA). Legislation from 1888 and 1895 granted Leicester rights to take water from the Blackstone River Basin (1888, 0.2 MGD) and from Asnebumskit Pond (1895, no limit) which is in the Nashua River Basin. Worcester has sources in the Blackstone and Nashua basins. Leicester discharges wastewater to the French River basin which is an interbasin transfer. However, these Acts have given LWSD the right to transfer water. Leicester is limited to 0.2 MGD from the Blackstone River Basin. The interpretation is that as long as the transfer is under 0.2 MGD from the Blackstone it is not subject to ITA. Worcester has not had any discussions among its staff yet about selling water to LWSD. LWSD sources in Paxton will be abandoned or perhaps transferred to Worcester. Asnebumskit Pond flows into Worcester's sources in the Nashua River Basin. Most of Worcester's Nashua sources are connected to Asnebumskit Pond so LWSD has the ability to transfer water. Robert Wilson, Chair of LWSD said the cost of the replacement of pipes from the late 1800s and treatment of the Paxton sources led them to pursue the idea of purchasing water from Worcester. Drury mentioned that the Acts of 1888 required LWSD to vote to approve developing sources in the Blackstone River Basin and they were able to find the meeting minutes proving that the town approved the vote. Weismantel asked if the Commission needed to vote to accept the recommendation. Drury responded that they did not need to; the ITA either applies or it does not, and it has been determined that it does not apply in this case. If it had been precedent-setting then perhaps it would have been brought to the WRC for a formal request for determination of applicability. There were existing precedents with Pioneer Valley and Dedham-Westwood Water District. The supporting documentation also made it straightforward.

Agenda Item #6: Presentation on the Proposed Revisions to the Massachusetts Surface Water Quality Standards (314 CMR 4.00)

Rao stated that these regulations as well as several others which fall under the MA Clean Water Act need to be approved by WRC even though they are DEP regulations. Once public comments are received and addressed, the regulations will be brought back to WRC. Laura Blake from DEP gave the presentation. The Surface Water Quality Standards (SWQS) provide a legal basis for controlling pollutants. The last major revision was 13 years ago. SWQS describe the designated uses or the water quality goals of a surface waterbody and the criteria to support those uses. EPA has oversight authority on these regulations which need to be approved by EPA after being promulgated by DEP. Blake provided an overview of key revisions to the standards (for details please refer to the presentation posted at <https://www.mass.gov/files/documents/2019/10/15/proposed-revisions-massdep-314cmr4.pdf>). These regulatory revisions are currently out for public comment. Two public hearings will be held; one in Boston on October 25th and another in Worcester on October 28th. Written comments may be submitted until 5 p.m. on Friday November 8. In addition, DEP is interested in receiving public comments on whether to include language describing its longstanding practice with regard to 401 water quality certifications by referencing applicable state programs and the relationship between the Surface Water Quality Standards and these other state regulatory programs. This approach is being considered given recently proposed revisions to the federal 401 Water Quality Certification regulations proposed by the US EPA. DEP is interested in receiving public comments on whether to include additional language in the background or general provisions section of the Surface Water Quality Standards describing DEP's current practices of considering related state regulations when issuing Water Quality Certifications to ensure compliance with not only the Massachusetts Surface Water Quality Standards but also other appropriate requirements of state law.

Callaghan asked that anyone who is interested please weigh in on the Section 401 issue. MA is one of four undelegated states in the country (meaning MA is not delegated to write its own discharge permits). As such the Clean Water Act section 401 is extremely important for MA to condition NPDES (National Pollutant Discharge Elimination System) discharge permits such that they meet MA water quality standards. The Coastal States Organization, a parent umbrella for all coastal programs across the country, is weighing in heavily on this. Massachusetts would lose the ability to effectively manage its waters

appropriately if we do not have the 401 process. The deadline for comments on the 401 piece is October 21.

Callaghan also said he liked a lot of the changes that DEP is making to the SWQS. Weismantel asked if DEP had already communicated with EPA about the changes and is there a cost impact to the general public. DEP has communicated the proposed changes to the EPA; it has not done a cost impact analysis. There will be some implications on the permitting side. With site-specific criteria, we don't know what the criteria will be until we look at the data and apply the model. Pederson commented that there are 63 drinking water treatment plants in MA with NPDES permits for treatment plant discharges, many of which use aluminum as a coagulant in the treatment process. Background levels of aluminum in the environment are higher than what's being discharged. EPA Region 1 has been receptive to a discussion on this issue, because any change in drinking water chemicals could change water quality. EPA is still issuing permits with the old aluminum criteria (87 ug/L). There is a cost impact if the old criteria remain in the standards. Carroll appreciated that the coldwater fisheries piece was included.

Wijnja asked about aquatic life criteria. Are the criteria based on the EPA Office of Water regulatory standards? Yes. DAR also has benchmarks for pesticides which are non-regulatory. DAR will review the revisions and comment if needed. Wood asked if the aluminum input data has a time boundary? Yes, the data are from 1990-2017. For site-specific criteria, is it for a river, or a river segment? It could be either. Callaghan commented he is working on a project in Salem Sound looking at water quality inputs from the Danvers River. There has been a lack of information on the Danvers River as it has not appeared as a river segment in the SWQS tables but it is a significant contributor to coastal waters. Callaghan also mentioned that Mark Smith at DEP is working on PFAS (per- and polyfluoroalkyl substances) in drinking water. PFAS are emerging contaminants of concern and if limits for them are determined will they get incorporated into the SWQS at some point? Highly likely in the coming years it will be a point of discussion. Rao asked Blake to send a link for commenting on the Section 401 Water Quality Certification.

Other

Rao presented a Governor's Citation to Michele Drury to commemorate her retirement and thanked her for 32 years of dedicated service to the Commonwealth. The citation says: "On behalf of the citizens of the Commonwealth of Massachusetts, I am pleased to confer upon you this Governor's Citation in recognition of your 32 years of dedicated service with the Water Resources Commission and the Department of Conservation and Recreation. Your unwavering commitment to protect the water resources of the Commonwealth, especially through your leadership of the Interbasin Transfer Act Program, has made a lasting and positive impact throughout your career. You embody the best of public service and good government, and the Commonwealth is deeply grateful for your 32 years of excellent service."

Meeting adjourned at 2:36 p.m.

Documents or Exhibits Used at Meeting:

1. Minutes: August 8, 2019
2. Staff Recommendation to Amend Aquaria Findings and Monitoring Plan:
 - a. Redline Copy
 - b. Clean Copy
3. Memo to the WRC from Staff concerning the Applicability of the Interbasin Transfer Act to the Proposed Interconnection to the City of Worcester Water Supply by the Leicester Water Supply District
Background Material:
 - a. The Acts of 1888, Chapter 171
 - b. The Acts of 1895, Chapter 230

- c. Correspondence concerning the Dedham-Westwood Water District and the MWRA
- d. WRC Decision: Request for Determination of Applicability Pioneer Valley Energy Center
- 4. Link to 314 CMR 4.00: <https://www.mass.gov/regulations/314-CMR-4-the-massachusetts-surface-water-quality-standards#proposed-amendments-public-comment>
- 5. Interbasin Transfer Act project status report: 23 September 2019

Compiled by: VC

Agendas, minutes, and other documents are available on the web site of the Water Resources Commission at <https://www.mass.gov/water-resources-commission-meetings>. All other meeting documents are available by request to WRC staff at 251 Causeway Street, 8th floor, Boston, MA 02114.